

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 6017 of 1997

For Approval and Signature:

Hon'ble MR.JUSTICE S.K.KESHOTE

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

G S R T C

Versus

NANALAL HARISHANKAR THAKER

Appearance:

MR HS MUNSHAW for Petitioner
MR PH PATHAK for Respondent No. 1
SERVED for Respondent No. 2
MR DA BAMBHANIA for Respondent No. 3

CORAM : MR.JUSTICE S.K.KESHOTE

Date of decision: 23/12/97

ORAL JUDGEMENT

1. Challenge has been made by the petitioner-Corporation in this special civil application to the order of the controlling authority passed under the Payment of Gratuity Act, 1972, and the order of the appellate authority confirming the order of the controlling authority.

2. In this case, the controlling authority found that the respondent-workman is entitled to the gratuity amount of Rs.31040/- and not Rs.25219/- as determined by the petitioner-Corporation.

3. The learned counsel for the petitioner is unable to point out any error apparent on the face of the orders of the authorities below which calls for interference of this Court sitting under Article 226 or 227 of the Constitution of India. The counsel for the petitioner further fairly admitted that no documentary evidence has been produced on the record of the proceedings before the lower authorities that the respondent-workman has no leave due in his account. Both the authorities have considered the facts of the matter and thereafter the finding of fact has been recorded that the respondent-workman is entitled for more amount of gratuity than as determined by the petitioner. As I do not find any error apparent on the face of the orders of the authorities below, no interference is called for of this Court in this matter.

4. In the result, this special civil application fails and the same is dismissed. Rule discharged.

zgs/-